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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,879	04/05/2004	Michio Horiuchi	300.1153	2665
21171	7590	11/10/2008	EXAMINER	
STAAS & HALSEY LLP			WALKER, KEITH D	
SUITE 700			ART UNIT	PAPER NUMBER
1201 NEW YORK AVENUE, N.W.				1795
WASHINGTON, DC 20005				
MAIL DATE		DELIVERY MODE		
11/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Mailed: 11-10-08

In re application of  
Michio Horiuchi et al.  
Serial No. 10/816,879  
Filed: April 5, 2004  
For: Fuel Cell Device

: DECISION ON  
: PETITION

This is a decision on the PETITION UNDER 37 CFR 1.181 to the Group Director for withdrawal of the finality as the action is incomplete. The Office Action in question was mailed out on August 1, 2008.

On November 3, 2008, the instant petition under 37 CFR 1.181 was filed.

**DECISION**

Rule 1.181, Section (f) states:  
§ 1.181 Petition to the Commissioner.

(f) Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable

Accordingly, the instant petition is **DISMISSED**.

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